

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DONALD ORLANDO OVERMILLER,	CIVIL NO. 1:CV-06-0025
Plaintiff	⋮
v.	⋮
COMMONWEALTH OF YORK,	⋮
Defendant	⋮

MEMORANDUM AND ORDER

Before the court is an action filed by Plaintiff *pro se*. It appears to be an action filed pursuant to 42 U.S.C. § 1983. Plaintiff names as Defendant “Commonwealth of York,” which this court presumes to be the City of York, Pennsylvania. In the civil cover sheet accompanying the complaint, Plaintiff has marked this suit as assault, libel and slander. He claims that certain criminal charges have been brought against him by Irish police and he is partially German; he wants the charges dropped and his record expunged; he claims his career and financial situation have been affected by his arrest and record; that he is being stalked by certain people, and that he was assaulted while in prison.

The complaint needs to be amended. If plaintiff is alleging a constitutional violation, he needs to state the alleged constitutional violation, the specific person or persons involved, and their actions. Plaintiff must comply with Federal Rule of Civil Procedure 8(a) which states:

A pleading which sets forth a claim for relief, whether an original claim, counter-claim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the grounds upon which the court’s jurisdiction depends,

unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks. Relief in the alternative or of several different types may be demanded.

In addition, Plaintiff must identify the defendants. Service of process cannot be accomplished until the individuals are notified. Further, the court is not certain whether Plaintiff intends to sue the City of York, the York Police Department, or some other entity.

The only persons named in the body of the original complaint are people who allegedly are harassing him or slandering him. Harassment by private citizens does not state a federal cause of action.

IT IS THEREFORE ORDERED THAT:

- 1) Plaintiff is granted leave to proceed *in forma pauperis* .
- 2) No later than February 3, 2006, Plaintiff shall file an amended complaint in conformity with this order. The amended complaint shall be complete in all respects. It shall be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed. *Soto v. Jeffes*, M.D. Pa. Civil No. 76-1155 (Memorandum and Order, Nealon, C.J., March 9, 1977), at 3.
- 3) Plaintiff is advised that failure to file an amended complaint in conformity with this order may result in dismissal of this action.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: January 11, 2006.